

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DELILAH A. GRAHAM-SMITH and	:	No. 3:14cv2159
RODNEY G. SMITH, her husband,	:	
Plaintiff	:	(Judge Munley)
	:	
v.	:	
	:	
WILKES-BARRE POLICE	:	
DEPARTMENT, CITY OF	:	
WILKES-BARRE, ALAN GRIBBLE, in	:	
his official and individual capacities	:	
and GERARD E. DESSOYE, in his	:	
official and individual capacities,	:	
Defendants	:	
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ORDER

AND NOW, to wit, this 19th day of May 2015, defendants' motion to dismiss (Doc. 6) is **GRANTED** in part and **DENIED** in part as follows:

The motion is **GRANTED** with respect to:

1. All claims against the Wilkes-Barre Police Department. The Wilkes-Barre Police Department is **DISMISSED** from this action;
2. All claims against Chief Gerard E. Dessoye. Chief Dessoye is **DISMISSED** from this action;
3. Plaintiff's federal claims against Officer Gribble in his official capacity are **DISMISSED** with prejudice;
4. Plaintiff's Fifth and Fourteenth Amendment claims asserted in Count

I are **DISMISSED** with prejudice;

5. Plaintiff's negligent infliction of emotional distress claim asserted in Count VIII is **DISMISSED** with prejudice; and
6. Plaintiff's loss of consortium claim stated in Count IX is **DISMISSED** with prejudice.

The motion is **DENIED** in all other aspects. Defendants are further **ORDERED** to answer plaintiff's complaint within fourteen (14) days.

BY THE COURT:

s/ James M. Munley
JUDGE JAMES M. MUNLEY
United States District Court